



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,374	02/12/2002	John W. Berndt	D/A0A31 (1508/3350)	4329
7590 04/13/2009				
Gunnar G. Leinberg, Esq. Nixon Peabody LLP Clinton Square P.O. Box 31051 Rochester, NY 14603-1051				
EXAMINER				
GARCIA, GABRIEL I				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
04/13/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/073,374

**Applicant(s)**

BERNDT ET AL.

**Examiner**

GABRIEL I. GARCIA

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**710DETAILED ACTION**

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (6,877,097) in view of Bello et al. (7,068,383).

With respect to claim 1, Hamid et al discloses a system (Fig. 3-6) comprising: an access code system that embeds (e.g. encoded) at least one access code (e.g. authorization code) , the device having multiple features (see abstract, fig. 6, claims 5-7) ; wherein each embedded code is match to the device code, wherein each embedded code is matched with an access code stored in memory and wherein the authorization of the particular subset of a plurality of device features occurs if each identified access code embedded matches each stored access code for a particular operation and wherein each stored access code correlates to enabling the particular subset of a /plurality of device features (reads on fig 5 and claims 1-3, which describe how an access code(s) is/are match with the plurality of functions)

Harrid et al. fails to teach implementing the security access to a job stream of a particular job.

Bello et al. (in the same field of endeavor "encoding information") teaches that it is well known in the art at the time of the invention to embed encoded information in a job stream of a particular job to be printed (e.g. abstract and col. 3, lines 4-13).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to implement the security access system having an access code for different (or subset) functions of a device as taught by Hamid et al. into the embedded job stream of a particular job to provide access to the device as taught by Bello et al. because of the following reasons: 1) will allow the security access method of Hamid et al. to be implemented into a device being capable to process print job and controlling the different feature of a device (such as the printer) as taught by Bello et al.; 2) by the combination the user(s) of Bello et al. can be assigned access control to the different functions of the features of the printer of Bello et al.; and 3) by implementing the security features as taught by Hamid et al. into the system of Bello et al., will allow the printer of Bello et al. to receive access codes from the host and control access to the different features of the printer.

With respect to claim 2, The combination of Hamid et al. and Bello et al. disclose the system as set forth in claim 1, and Hamid et al. further teaches comprises at least one job control entity or ) instruction having a unique identifier (abstract and fig. 5, the code has a unique identifier in order to match the registered code) .

With respect to claim 3, The combination of Hamid et al. and Bello et al. teach the features of claim 1 above and Bello et al. further teaches wherein the job stream further comprises a file having at least one page description language instruction (see fig. 5,

clearly the system as suggested above will use the PDL being used by the printer of Bello et al. , as it was suggested above the security access will be provided to the system of the Bello et al.).

With respect to claim 4, the combination of Hamid et al. and Bello et al. teach the features of claim 1 above and Bello et al. further teaches wherein the at least one device feature comprises color printing, monochrome printing, duplex printing (page layout of Fig 7), a mailbox destination to send printed documents to, manual feed source printing (paper source of Fig 7), high page count printing (number of copies of Fig 7), non-business hours printing, large media printing (custom paper size of Fig 7), printing media type, printing paper size (custom paper size of Fig 7), printing paper color and network facsimile document sending (inherently reads on col. 4, line 62 thru col. 5, line 22).

With respect to claim 5, combination of Hamid et al. and Bello et al. teach the features of claim 1 above and Bello et al. further teaches wherein the device is a printer.

Claim 6 recites identical features as claim 1, except claim 6 is a method claim. Thus, arguments similar to that presented above for claim 1 are also equally applicable to claim 6.

Claims 7-9 recite identical features as claims 2-4, except claims 7-9 are a method claim. Thus, arguments similar to that presented above for claims 2-4 are also equally applicable to claims 7-8.

Claims 10-13 recite identical features as claims 1-4 and except claims 10-13 are computer readable medium claim. Thus, arguments similar to that presented above

for claims 1-4 are also equally applicable to claims 10-13. Applicant's attention is further invited to Memory 56 of Fig 3 for a computer readable medium disclosed by Hamid et al.

With respect to claim 14, the limitations of claim 14 are covered by the limitations of claim 1 above; and Bello et al. further teaches the feature of parsing system that parses a job stream to find at least one embedded access code (**see fig. 5**), clearly the system as suggested above will use the parser of Bello et al. to detect the access code , and as it was suggested above the security access will be provided to the system of the Bello et al. to control access to the printer).

Claims 15-19 recite identical features as claims 1-4 and except claims 10-13 are computer readable medium claim. Thus, arguments similar to that presented above for claims 1-4 are also equally applicable to claims 15-19. Applicant's attention is further invited to Memory 56 of Fig 3 for a computer readable medium disclosed by Hamid et al.

Claim 20 recites identical features as claim 14, except claim 20 is a method claim. Thus, arguments similar to that presented above for claim 14 are also equally applicable to claim 20.

Claim 26 recites identical features as claim 14, except claim 26 is a computer readable medium claim. Thus, arguments similar to that presented above for claim 14 are also equally applicable to claim 26. Applicant's attention is further invited to Memory 56 of fig. 3 for a computer readable medium disclosed by Harrid et al.

Claims 21-25 and 27-31 recite identical features as claims 1-4 and except claims 21-25 and 27-31 are computer readable medium claim. Thus, arguments similar to that presented above for claims 1-4 are also equally applicable to claims 21-25 and 27-31. Applicant's attention is further invited to Memory 56 of Fig 3 for a computer readable medium disclosed by Hamid et

### ***Conclusion***

3. Applicant's arguments filed 2/18/09 have been fully considered but they are not persuasive. Applicant's amendment necessitated the new grounds of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

/Gabriel I Garcia/

Primary Examiner, Art Unit 2625

**Gabriel I. Garcia**  
**Primary Examiner**  
**April 9, 2009**